

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: 01-200
WITH RCW 42.17)	
)	REPORT OF INVESTIGATION
SEATTLE SCHOOL DISTRICT)	
)	
Respondent.)	
_____)	

I.

BACKGROUND

- 1.1 On March 23, 2001, the Public Disclosure Commission received a complaint filed by Mr. Jami Lund of the Evergreen Freedom Foundation. The complaint alleged a violation of RCW 42.17.680 by the Seattle School District for its failure to allow public inspection of employee payroll deduction authorizations for WEA-PAC contributions.

II.

SCOPE

- 2.1 Staff reviewed the complaint letter received March 23, 2001.
- 2.2 Staff reviewed the response received April 2, 2001 from John Cerqui, Assistant General Counsel for Seattle Public Schools.
- 2.3 Staff reviewed Seattle School District employees' WEA-PAC payroll deduction authorizations submitted to the payroll office for the 2000-01 school year.
- 2.4 Staff reviewed the 2000-01 school year WEA –PAC monthly payroll deduction registers maintained by the Seattle School District.

III.

LAW

3.1 RCW 42.17.680 states in part:

- (3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. . . . The request is valid for no more than twelve months from the date it is made by the employee.**
- (4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.**

IV.

FINDINGS

- 4.1 On March 23, 2001, the Public Disclosure Commission received a complaint from Mr. Jami Lund of the Evergreen Freedom Foundation alleging violation of RCW 42.17.680(4) by the Seattle School District. **(Exhibit 1)** Lund's complaint alleges that a representative of the Evergreen Freedom Foundation (EFF) visited the Seattle School District's Payroll Office (District) on March 21, 2001 and requested to see the payroll deduction authorizations for WEA-PAC contributions.¹ The District's Payroll Manager, after consulting with the office of the General Counsel, instructed the EFF representative to submit a written request, which was done. The complainant alleges that the request to inspect the WEA-PAC payroll deduction authorizations was ultimately denied by the Seattle School District.
- 4.2 A response was received on April 9, 2001 from John Cerqui, Assistant General Counsel for Seattle School District. **(Exhibit 2)** Cerqui responded that the District did have signed WEA-PAC payroll deduction authorizations at the time of the EFF representative's visit. The District had not been asked to make its employees' WEA-PAC payroll deduction authorizations available for public inspection prior to the

¹ Based on evidence gathered during the investigation of this complaint, PDC staff believes that the EFF representative visited the Seattle School District on March 22, 2000.

request that resulted in this complaint. Lacking any other procedures, the request to inspect WEA-PAC payroll deduction authorizations was treated as any other public records request by both the Payroll Office Manager and the Office of General Counsel staff. After receiving the written request, the Office of the General Counsel sent a “general response” letter to the EFF on March 22, 2001. **(Exhibit 3)** Jami Lund then E-mailed the General Counsel’s Office indicating that he wanted to inspect the documents, not receive copies. The General Counsel’s Office invited Lund to inspect the documents on March 29, 2001.

- 4.3 Esther Owen, a representative of the Evergreen Freedom Foundation, visited the Seattle School District Payroll Office on March 22, 2000 and spoke with Kathleen Kay, Payroll Manager for the District. Owen asked to look at the WEA-PAC deduction authorizations on file. Kay called the office of the General Counsel and told one of the staff members that she had received the request. The staff member with whom she spoke told her to have the requestor submit the request in writing to the office of the General Counsel. Kay hung up the telephone and directed Owen to the office of the General Counsel. Owen went to the office of the General Counsel and submitted her request to view the WEA-PAC deduction authorizations. She was told that the District would respond to her request in writing. Owen replied that she wanted to see the WEA-PAC deduction authorizations that day. **(Exhibit 4)** Her request to view the WEA-PAC deduction authorizations that day was denied.
- 4.4 The District did not allow public inspection of WEA-PAC deduction authorizations at the time the request was made on March 22, 2001. Instead, the District followed its normal procedure of complying with public records requests: The District acknowledged the request in writing, copied the WEA-PAC authorizations, redacted personal information from them, and then notified the complainant that the authorizations were available.
- 4.5 The District currently has 307 authorizations from employees to withhold WEA-PAC contributions through payroll deduction. No WEA-PAC contributions were withheld during the 2000-01 school year before the District received a signed authorization. No WEA-PAC contributions are being withheld from employees’ wages without a signed authorization.

Respectfully submitted this 6th day of September, 2001.

/s
Lori Anderson
Sr. Political Finance Specialist

EXHIBITS LIST

- Exhibit 1** Complaint letter received March 23, 2001.
- Exhibit 2** Response letter received April 9, 2001, from John Cerqui, Assistant General Counsel for the Seattle School District.
- Exhibit 3** March 22, 2001 letter from Joy Stevens, Legal Assistant for the Seattle School District, to Esther Owen of the Evergreen Freedom Foundation.
- Exhibit 4** Second Declaration of Esther Owen dated September 5, 2001.